IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 18373 of 2007(K)

AGAINST THE ORDER IN IA 308/2006. IN
OS.402/2004 of ADDL.M.C.,KOZHIKODE-II

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PETITIONER: PETITIONER

M.K.JANARDHANAN,ADIYODI,S/O
ACHUTHAN NAIR, BHAVANA OLAVANNA AMSOM.
IRINGALLOOR DESOM,KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: RESPONDENTS

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1. INDIRA DEVI,W/O.KAMALESH CHAND,
REDLOTUS
VALAUANAD AMSOM DESOM,KOZHIKODE.

2. R.J.SJITH,S/O.JANARDHANAN ADIYODI,
BHAVANA, OLAVANNA AMSOM,
IRINGALLOOR DESOM,KOZHIKODE.

3. B.ERINA,W/O.SAJITH,BHAVANA,OLAVANNA AMSOM,
IRINGALLOR DESOM,KOZHIKODE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.(C) No.18373 OF 2007 K
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Dated this the 15th June, 2007

J U D G M E N T

This writ petition is filed challenging the order of the learned additional Munsiff, Kozhikode-II, in I.A. No. 308/2006 in O.S. No. 402/04. One Smt. Indira Devi filed an application for getting herself impleaded in the suit as a necessary party. The suit, O.S. No. 402/04 is to cancel the document and the grievance of the petitioner is that the said property is given to her as security for the loan taken and she apprehends that it is a collusive suit between the plaintiff and the defendant in the suit and therefore if it concludes in a decree in favour of the plaintiff then she will be the substantial loser and therefore her junction as a party in the suit is necessary to safeguard her interest and for a proper disposal of the case. The court found it to be correct and therefore impleaded her. It is against that decision the present writ petition is filed. The apprehension of the petitioner in the I.A. is to the effect that she will be without any remedy if the property which is given as security

and the said document is set aside by a decree of the court. It is her apprehension that it is a suit filed by the parties to defeat her interest. So, one cannot say that she is a person who does not have any interest in the suit at all or in the result of the suit at all. Therefore, at this stage it was only just and proper for the court to implead her as a party. The nature of contentions, etc. which she can raise is a matter that the court can consider after hearing the parties. Therefore the writ petition is dismissed with these observations.

M.N. KRISHNAN
JUDGE

jan/